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Donald L. Traut
KIMBERLY-CLARK CORPORATION
401 North Lake Street
Neenah, Wisconsin 54956

In re Application of
Gregory J. Rajala, et al.
Application No. 08/382,108
Filed: January 31, 1995
Attorney Docket No. 11128

:
: REQUIREMENT FOR INFORMATION
: RE PETITION UNDER 37 CFR
: 1.48(a)
:

This letter is in response to the petition under 37 CFR 1.53(b) filed April 4, 1995, supplying an additional name of an inventor in the instant application, which will be treated as a petition under 37 CFR 1.48(a), requesting correction of the inventorship in the application. The petition is being decided by the undersigned rather than in the examining group so that application processing, including the issuance of a filing receipt, may proceed with the actual inventors being named in the application.

The petition under § 1.48(a) to correct the inventorship cannot be granted at this time.

Applicants are given TWO MONTHS from the date of mailing of this Requirement for Information to correct the deficiency noted below (verified statements of facts from the original named inventors and written consent of assignee including § 3.73 certificate). Failure to respond completely to the Requirement will result in abandonment of the application. The time for response, however, may be extended by compliance with the provisions of 37 CFR 1.136(a).

The instant application was filed on January 31, 1995, pursuant to 37 CFR 1.53(b) without an executed oath or declaration under 37 CFR 1.63 and named as the inventors: Gregory John Rajala and Paul Daniel Suke.

Application Processing Division mailed a Notice to File Missing

Parts of Application under 37 CFR 1.53(b) on March 9, 1995, requiring a properly signed oath or declaration in compliance with 37 CFR 1.63 and a surcharge for its late submission.

In response to the Notice to File Missing Parts of Application, applicants timely filed on April 4, 1995, inter alia, the instant petition including a verified statement of facts, a Combined Declaration and Power of Attorney under 37 CFR 1.63, and authorization to charge Deposit Account No. 11-0875 \$130 for the fee under 37 CFR 1.17(i)(1) and \$130 for the surcharge. The surcharge has been charged to Deposit Account No. 11-0875 per applicants' authorization.

A petition under 37 CFR 1.53 is appropriate where the inventive entity, as required by 37 CFR 1.41(a), has not been set forth at all and where, as in the case of "Smith et al." with "et al." undefined, it is clear on its face that the original inventive entity was incomplete. Where the original inventive entity in a filing under § 1.53(b) has been set forth in error, but appears appropriate, the Office requires the higher level of scrutiny afforded under § 1.48(a) for correcting thereof. MPEP 201.03, page 200-3, Applications filed under 37 CFR 1.53(b).

Accordingly, the petition under § 1.53(b) will be treated under § 1.48(a). Applicants' authorization to charge Deposit Account No. 11-0875 for the fee under 37 CFR 1.17(i)(1) has been treated instead as authorization to charge the required fee under § 1.48(a). Accordingly, \$130 has been charged to Deposit Account No. 11-0875 for the fee required under § 1.48(a).

37 CFR 1.48(a) requires a verified statement of facts from the original named inventors as to how the error occurred and when it was discovered as well as a written consent of any existing assignee absent a petition under 37 CFR 1.183 for waiver of those requirements (MPEP 201.03, page 200-4, Verified Statement of Facts). If the original named inventors have no firsthand knowledge of how the inventorship error occurred, they may simply so state. If no assignee exists that should be explicitly stated. Any consent of assignee must comply with 37 CFR 3.73(b) Establishing right of assignee to prosecute.

Receipt of the following items is acknowledged: Information Disclosure Statement filed January 31, 1995, and Formal Drawings filed August 11, 1995.

Further correspondence with respect to this matter should be

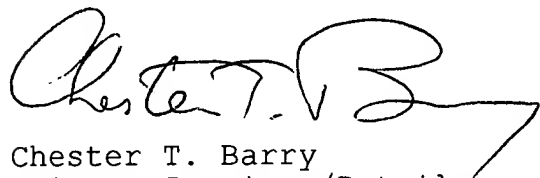
addressed as follows:

By mail: Commissioner of Patents and Trademarks
Box DAC
Washington, D.C. 20231

By FAX: (703) 308-6916
Attn: Special Program Law Office

By hand: One Crystal Park, Suite 520
2011 Crystal Drive
Arlington, VA

Telephone inquiries specific to this matter should be directed to the undersigned at (703) 308-6713.

A handwritten signature in black ink, appearing to read "Chester T. Barry". The signature is stylized with a large, looped "C" and a long, sweeping horizontal stroke at the end.

Chester T. Barry
Primary Examiner/Detailee
Office of Petitions
Office of the Deputy Assistant Commissioner
for Patent Policy and Projects